

## ARTICLES

# Six Secrets to Using Gen AI as Your Mock Courtroom

By James Yoon – September 23, 2025

As a trial lawyer who has argued numerous motions and won patent jury trials for three decades, I have long believed that the most important part of courtroom advocacy happens *before* stepping into the courtroom. Preparation is the advocate's greatest weapon. Knowing this, generative artificial intelligence (AI) offers advocates a powerful new tool: the ability to simulate oral argument, anticipate judicial concerns, and sharpen advocacy.

Certainly, generative AI is not a substitute for mastery of the record, the briefing, or the law. But I discovered over time that when paired with deep preparation, generative AI can serve as an extraordinary rehearsal partner—an intelligent, always-available-to-me mock court. Used properly, it can make an advocate sharper, more confident, and better equipped to persuade.

## How Generative AI Strengthens Oral Advocacy

### Identifying Judicial Concerns

Once you educate the AI about the case, the fact pattern, the key issues, the parties (and who you are representing), the type of motion, the relief sought, and an outline of each parties briefing, AI does a fantastic job flagging issues that judges are likely to probe. By using this method, AI can broaden your perspective and help you best position your argument to meet the needs of the judge.

### Simulating a Hot Bench Q&A

It seems whenever you have an engaged judge, oral argument often feels like a stress test. Judges are firing rapid questions from every angle. Rest easy. AI can generate a battery of potential questions—hostile, skeptical, or probing—and help the advocate craft clear, concise answers. An advocate is always more effective in the courtroom if he or she has debated the issue prior to a hearing.

### Highlighting Strengths and Weaknesses

By stress-testing arguments against precedent and logic, AI can help counsel refine strong points, shore up weak ones, and frame the issues in the light most favorable to their client.

### Rehearsing the Opposition's Argument

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AI can adopt the voice of opposing counsel, simulating the counterarguments and framing likely to be used in court. Anticipating these moves allows an advocate to prepare rebuttals in advance. This option is particularly helpful when you are opposing a motion. You can command the AI to play the role of multiple different styles of opposing counsel. For example, you can prompt the AI to present and argue as an “aggressive,” a “professorial,” and a “concise” opposing counsel.

## **Spotting Critiques of Your Position**

By simulating opposing counsel and a “skeptical” judge, AI can identify the most damaging critiques of your case. This “devil’s advocate” perspective is invaluable for building resilience into your argument.

## **Brainstorming and Structuring the Opening**

From drafting outlines to organizing facts and issues in a structured way to prioritizing themes, AI can help an advocate build the narrative in a clear, compelling way that resonates with judicial priorities and presents their client in the best light possible.

## **Generating Visual Aids**

AI tools can even generate helpful demonstratives—graphics, charts, or flow diagrams—to distill complex issues for the court. The AI-generated graphics can be compared with the graphics the lawyers on the team developed to confirm that information is presented in the most concise and compelling manner.

# **Six Guardrails: What the Advocate Must Bring**

## **1. Know the Record Cold**

No tool replaces command of the facts. AI can only amplify preparation if the lawyer has mastery of the case. AI output should be avoided unless the attorney has presented all the information and facts to the AI in the dialogue. The lawyer must determine what “context” or facts are shared with the AI. The information provided by the lawyer focuses the AI on its response and helps avoid the possibility that the AI will hallucinate.

## **2. Understand the Briefing and Case Law**

AI should supplement—not substitute—the lawyer’s intimate knowledge of the written advocacy. First, the lawyer needs to know the briefs, the key cases and their holdings, and the legal standards for the motion. Next, the lawyer should summarize the briefs for the AI and set forth the legal standard for the motion. From there, the lawyer should explain the fact pattern of the key case. This process has two benefits: (1) it confirms that the lawyer has independently prepared, and (2) it makes sure that the output of the AI is useful, accurate, and engaging.

### **3. Feed Context Carefully**

To yield useful outputs, AI must be given a robust case background, procedural posture, and legal framework. What’s most important to remember is that *the quality of the simulation depends entirely on the quality of the input*. A lawyer must strive to provide objective and neutral context for the AI and should make sure that all key facts and event are included. Then, and only then, can you ask the AI to play the role of a judge or an advocate.

### **4. Protect Confidentiality**

Attorneys must understand the risks associated with a generative AI tool before using it and ensure appropriate consents are obtained. Generally, attorneys should avoid inputting or uploading confidential or privileged information into generative AI tools. Responsible use requires vigilance.

### **5. Keep the Dialogue Continuous**

The best results come from a single continuous dialogue, where the AI retains context across all tasks. This allows the system to train itself and refine and adapt its outputs as the preparation unfolds.

### **6. Ask the AI Questions**

Just as in a moot court, the advocate should not only respond to AI’s questions but also press the system at each step of the dialogue: “Are there any additional facts that you would like to have? Is there any information that you think you are missing that might be important? Is there anything confusing?” Such questions will improve the quality of the dialogue and make sure that the output of the AI is beneficial to the advocate and his or her preparation.

## **The Future of Courtroom Preparation**

Generative AI is not replacing the trial lawyer—in fact, it is fine-tuning the trial lawyer. The advocate who masters both the record and this new technology can arrive in court with the equivalent of multiple full-dress rehearsals already completed, and in less time.

At its best, AI provides a disciplined space for reflection, challenge, and refinement. It can make us more prepared, more resilient, and ultimately more persuasive. For litigators willing to integrate it into their preparation, I believe it may become the most powerful courtroom ally we have ever had—one that lives not at the counsel’s table, but in the preparation room where cases are won or lost.

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*[James Yoon](#) is a partner with Wilson Sonsini in Palo Alto, California.*